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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,677	01/12/2001	Hung-Kun Chen	60271-302701 (LEE1P027)	2714
23900	7590	06/01/2005	EXAMINER	
J C PATENTS, INC. 4 VENTURE, SUITE 250 IRVINE, CA 92618			ODOM, CURTIS B	
			ART UNIT	PAPER NUMBER
			2634	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/759,677

Applicant(s)

CHEN ET AL.

Examiner

Curtis B. Odom

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-74 and 76-79 is/are allowed.
- 6) ☒ Claim(s) 75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 75 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kostic et al. (U.S. Patent No. 6, 549, 784).

Regarding claim 75, Kostic et al. discloses a method for determining a hopping sequence for selecting a channel from M channels in a FHSS communication system, comprising the steps of:

generating (column 5, lines 32-46) a first hopping sequence;

dividing (column 9, lines 5-column 10, line 40) the M channels into Np partitions in a predetermined manner, wherein the signals are divided into partitions based on quality;

generating a partition sequence (column 9, line 51-column 10, line 40), wherein the partition sequences are based on the quality of the frequencies; and

mapping the first hopping sequence by the partition sequence to get the second hopping sequence (column 9, line 51-column 10, line 40), wherein the new frequency pattern represents the second frequency pattern.

Kostic et al. does not disclose the mapping translates an input channel number A in the first hopping sequence to an output channel number B within the corresponding partition in the partition sequence. However, the mapping as disclosed by the present application depends on a quality measurement (see page 5, section 0006, data collision ratio), wherein mapping an input channel number A in the first hopping sequence to an output channel number B within the corresponding partition in the partition sequence depends on values of a quality measurement. Therefore, it would have been obvious to one skilled in the art at the time the invention was made that since the mapping of Kostic et al. also depends on a quality measurement (column 9, lines 5-50) an input channel number A could have been translated to an output channel B depending on the values of the quality measurement. Thus, claim 75 does not constitute patentability.

*Allowable Subject Matter*

3. Claims 1-74 and 76-79 allowable over prior art references because related references do not disclose dividing channels into partitions and measuring data collision ratios of each partition, and creating a hopping sequence based on the measurement.

*Conclusion*


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nyberg et al. (U. S. Patent No. 6, 845, 123) discloses allocation frequency hopping sequences based on data collision rates.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis B. Odom whose telephone number is 571-272-3046. The examiner can normally be reached on Monday- Friday, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Curtis Odom  
May 26, 2005

  
**STEPHEN CHIN**  
**SUPERVISORY PATENT EXAMINEE**  
**TECHNOLOGY CENTER 2800**